

Philosophy 225
Ethical Decisions in Medicine

Spring 2011

Lattimore 201 TuTh 9:40-10:55

Section 1, Dewey 4-162, Th 12:30-1:20

Section 4, Dewey 4-162, Tu 12:30-1:20

Section 2, Dewey 4-162, F 1:00-1:50

Section 3, Dewey 4-162, F 2:00-2:50

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Hours: Tu 1:30-2:30, Th 11:00-12:15

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Medicine now produces some of the most troubling ethical questions that our society faces. We are now confronted with extremely premature infants, elderly people incapacitated by Alzheimer's Disease, and others who have sunk into permanent vegetative state. We can now diagnose horrible diseases with genetic testing, we have a myriad of options of reproduction if the old-fashioned way is not possible, and we now have the ability to enhance our mental and physical abilities. Lying behind all these issues are deep questions about autonomy, individuality, and morality. In this class, we will examine some of these ethical controversies, both in lectures and in small groups in which students will have more opportunity to present their own views and explore those of others.

Texts

None. All readings for the class can be found on the Blackboard site for this class, either as PDF files or as links to articles.

Course requirements

The following is a list of the assignments required to complete the course and their approximate due dates. The course grade is divided into 13 parts, apportioned as shown:

First paper	Feb 18	3 parts
Second paper	Apr 1	4 parts
Final exam	May 5	4 parts
Participation		2 parts

Class participation, you will note, is a *significant* part of your grade. The discussion sections for this class are an integral part of this class, and you are expected to come to them and to participate in them. The lectures have less opportunity for any discussion, but I will ask

questions of the class, and you should feel free to ask questions and challenge me during our Tuesday and Thursday meetings.

All of the other work in this class will be in the form of argumentative essays. I will talk more about them when the time comes, but I assume that you have had both philosophy courses and English courses in which such essays were expected. In an argumentative essay, I expect you to examine an issue and argue for some position that we should take with respect to that issue. The two papers will be 5-7 pages, and they are due by 5 p.m. on the date assigned. Severe penalties will be exacted for late papers unless you receive explicit permission from your discussion leader for an extension.

In the final examination, you will also be expected to write several shorter essays based on questions that I will distribute during the last week of classes.

All the work that you submit for a grade in this class must be your own, and all quotations and ideas from others that are used in your work must be properly cited. This is an ethics course, and I take a particularly dim view of violations of academic honesty. Please consult the College's policy at www.rochester.edu/College/honesty/. If you have any questions, please do not hesitate to contact one of the instructors of this class.

Schedule of Topics

The schedule is (of course) tentative. Readings can be found on the Blackboard site for this course. Look under "Course materials," then "Readings" and find the appropriate folder.

I. Basic concepts in health care

Jan 13	Professional duties of health care providers Pearl Buck, "The Enemy" <i>Harper's Magazine</i> , November 1942, 581-92.
Jan 18	The Hippocratic Oath New Hippocratic Oath Heidi Malm, et al., "Ethics, Pandemics, and the Duty to Treat," <i>American Journal of Bioethics</i> 8 no. 8 (2008): 4-19. Robert Card, "Conscientious Objection and Emergency Contraception," <i>American Journal of Bioethics</i> 7 no. 6 (2007): 8-14
Jan 20-25	Informed consent <i>Canterbury v. Spence</i> Tom Beauchamp and Ruth Faden, "The Concepts of Informed Consent and Competence," ch 8 of <i>A History and Theory of Informed Consent</i> (Oxford: Oxford University Press, 1986), 274-97. Robert Veatch, "Abandoning Informed Consent," <i>Hastings Center Report</i> 25 no. 2 (1995): 5-12 John Hardwig, "What About the Family?," <i>Hastings Center Report</i> 20 no. 2 (1990): 5-10

II. Medicine at the end of life

- Jan 27-Feb 1 Advance directives
 Allen Buchanan, "Advance Directives and the Personal Identity Problem," *Philosophy and Public Affairs* 17 (1988): 277-302
 David DeGrazia, "Advance Directives, Dementia, and the 'Someone Else' Problem," *Bioethics* 13 (1999): 373-91
 Agnieszka Jaworska, "Respecting the Margins of Agency: Alzheimer's Patients and the Capacity to Value," *Philosophy and Public Affairs* 28 (1999): 105-38
- Feb 3-8-10 Transplantation ethics
 Shana Alexander, "They Decide Who Lives, Who Dies," *Life*, November 9, 1962, pp 102-25.
 Nicholas Rescher, "The Allocation of Exotic Medical Lifesaving Therapy," *Ethics* 79 (1969): 173-86.
 Robert Veatch, "A General Theory of Allocation," in *Transplantation Ethics* (Washington: Georgetown University Press), 287-310.
 James Delaney and David Hershenov, "Why Consent May Not be Needed for Organ Procurement," *American Journal of Bioethics* 9 no. 8 (2009): 3-10
 Gilbert Meilaender, "Gifts of the Body," *New Atlantis* 13 (2006): 25-35.
 Larissa MacFarquhar, "The Kindest Cut," *New Yorker*, July 27, 2009, 38-51.
 Benjamin Hippen, "The Case for Kidney Markets," *New Atlantis* 14 (2006): 47-61
- Feb 22-24 Brain death and PVS
 James Bernat, "A Defense of the Whole Brain Concept of Death," *Hastings Center Report* 28 no. 2 (1998): 14-24.
 Jeff McMahan, "Brain Death, Cortical Death, and Persistent Vegetative State," in *A Companion to Bioethics*, ed. Helga Kuhse and Peter Singer (Oxford: Blackwell, 1998), 250-60.
 Don Marquis, "Are DCD Donors Dead?," *Hastings Center Report* 40 no. 3 (2010), 24-31.
Cruzan v. Missouri
 John Paul II, "Life-Sustaining Treatment and Vegetative State: Scientific Advances and Ethical Dilemmas."
- Mar 1-3 Euthanasia and the right to die
 Philippa Foot, "Euthanasia," *Philosophy and Public Affairs* 6 (1977): 85-112.
 James Rachels, "Active and Passive Euthanasia," *New England Journal of Medicine* 292 (1975): 78-80.

- Daniel Callahan, "Can We Return Death to Disease?," *Hastings Center Report* 19 no. 1 suppl (1989): 4-6.
- Leon Kass, "Is There a Right to Die?" *Hastings Center Report* 23 no. 1 (1993): 34-43.
- F.M. Kamm, "A Right to Choose Death?" *Boston Review* (Summer 1997): 20-23.
- J. David Velleman, "Against the Right to Die"

Mar 8-10 • *Spring break (No classes, Mar 7-11)*

Mar 15-17 Physician-assisted suicide

Timothy Quill, "Death and Dignity: A Case of Individualized Decision Making," *New England Journal of Medicine* 324 (1991): 691-94.

Vacco v. Quill

Washington v. Glucksberg (Rehnquist's opinion only)

Oregon Death with Dignity Act

Ronald Dworkin, et al. "Assisted Suicide: The Philosopher's Brief," *New York Review of Books* 44 no. 5 (1997).

Paul Weithman, "Of Assisted Suicide and 'The Philosopher's Brief'," *Ethics* 109 (1999): 548-78

III. Medicine to make life better

Mar 22-24 Disabilities

Jeff McMahan, "Challenges to Human Equality," *Journal of Ethics* 12 (2008): 81-104

Eva Kittay, "At the Margins of Moral Personhood," *Ethics* 116 (2005): 100-31.

"The Ashley Treatment"

S. Matthew Liao, Julian Savulescu, and Mark Sheehan, "The Ashley Treatment: Best Interests, Convenience, and Parental Decision-Making," *Hastings Center Reports* 37 no. 2 (2007): 16-20.

Benjamin Wilfond, et al., "Navigating Growth Attenuation in Children with Profound Disabilities," *Hastings Center Report* 40 no. 6 (2010): 27-40.

Mar 29-Apr 5 Modifications and enhancements

Margaret Olivia Little, "Cosmetic Surgery, Suspect Norms, and the Ethics of Complicity," in *Enhancing Human Traits*, ed. Erik Parens (Washington: Georgetown University Press, 1998): 162-76.

Tim Bayne and Neil Levy, "Amputees by Choice: Body Integrity Identity Disorder and the Ethics of Amputation," *Journal of Applied Philosophy* 22 (2005): 75-86

Michael Sandel, "The Case Against Perfection," *Atlantic Monthly* (April 2004): 51-62.

